



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Review, Adopt, and Confirm the Cost Report for City Weed Abatement on properties located at 1527 Magic Lane, Lodi, CA (APN 031-250-44) and 1315 Industrial Way, Lodi, CA (APN 049-250-67)

MEETING DATE: October 19, 2005

PREPARED BY: Division Chief Verne Person

RECOMMENDED ACTION: That following a public hearing regarding the matter, the City Council adopt a resolution confirming the cost of weed abatement for properties located at 1527 Magic Lane (APN 031-250-44) and 1315 Industrial Way (APN 049-250-67) and providing for collection through the San Joaquin County Auditor's Office.

BACKGROUND INFORMATION: Process for weed abatement was begun on April 26, 2005, for abatement of parcel located at 1527 Magic Lane (031-250-44), which is owned by Gary Koeplin of 14541 N. Curry Ave, Lodi, California. On June 17, 2005, the property was posted and written notification from the City Clerks office was sent to the property owner. The City of Lodi Purchasing Agent was notified on July 15, 2005, of non-compliance and a request for bids to abate the property was sent. Del Rio Gardening was hired by the City to remove the weeds on the property and the lot abated on August 29, 2005. The cost for abatement is \$300.00.

Process for weed abatement was begun on April 26, 2005 for abatement of parcel located at 1315 Industrial Way (049-250-67), which is owned by Melinda Barbara, P. O. Box 789, Lodi, California. On June 17, 2005, the property was posted and written notification from the City Clerks office was sent to the property owner. The City of Lodi Purchasing Agent was notified on July 15, 2005, of non-compliance and a request for bids to abate the property was sent. Sun Harvest Inc. was hired by the City to remove the weeds on the property and the lot abated on September 6, 2005. The cost for abatement is \$675.00.

The City Council approved a fee schedule for the fire department, which was approved and implemented on July 1, 2005. The administrative charge for weed abatement was approved at \$150. The fire department did not include this fee with these two parcels due to the weed abatement process was begun before the July 1, 2005 implementation of the fee schedule. The administrative charge will be included in all future parcels abated by the city. The cost for abatement is only the cost of services provided by the private contractor hired by the city through the bid process for each parcel.

The public hearing is being held pursuant to Government Code Section 38773.1. (a) and Lodi Municipal Code Section 15.31.120. Written notification of the public hearing was mailed to the property owner in accordance with Government Code Section 38773.1. (b).

APPROVED:

Blair King
Blair King, City Manager

Therefore, it is recommended that the following the public hearing the City Council adopt a resolution confirming the cost of weed abatement for properties located at 1527 Magic Lane (APN 031-250-44) and 1315 Industrial Way (APN 049-250-67) and providing for collection through the San Joaquin County Auditor's Office. The Fire Marshal will be at the October 19, 2005, City Council meeting to present the staff report and answer any questions the Council may have.

FISCAL IMPACT:

Funding will come from the Fire Department account 102017 for the 2005-06 fiscal year. Property owners are billed and if no payment is received, a notification is submitted to the San Joaquin County Tax Auditor and a lien is placed against the property the following August. When the payment is received it is credited back into the 102017 account to allow a balanced amount.

FUNDING AVAILABLE:

None required.

A handwritten signature in cursive script, appearing to read "Verne Person", written over a horizontal line.

Verne Person
Fire Marshal

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-225

A RESOLUTION OF THE LODI CITY COUNCIL
CONFIRMING THE COST OF WEED ABATEMENT FOR
THE YEAR 2005 AND PROVIDING FOR COLLECTION

=====

BEFORE THE CITY COUNCIL OF THE CITY OF LODI
IN THE MATTER OF:

Resolution Confirming the Cost of Weed Abatement
for 2005 and Providing for the Collection
on the Regular Tax Bill

WHEREAS, pursuant to Lodi Municipal Code Chapter 15.31, notice was posted on the properties on June 17, 2005, declaring that weeds and/or refuse situated on certain lots located in the City of Lodi were a public nuisance; and

WHEREAS, said notice required weeds and/or refuse to be destroyed or removed and the public nuisance abated within fourteen (14) days after the date of the posting of the notice; and

WHEREAS, any person interested in any such lot may within ten (10) days after said posting of said notice on the property, request a hearing before the City Council in writing, addressed to the City Clerk of the City of Lodi, to consider objections to the Abatement Order; and

WHEREAS, there being no request for a hearing regarding the abatement order by the property owner(s) and/or any interested person(s), the Enforcement Officer now requests that the City Council confirm the costs of the 2005 Weed Abatement Program.

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED AS FOLLOWS:

(1) Pursuant to Lodi Municipal Code Chapter 15.31, the Enforcement Officer ordered the abatement of the public nuisance to have the weeds, rubbish, refuse, and dirt removed and thereafter the Enforcement Officer, by third party contract, caused the nuisance to be abated and the Enforcement Officer kept an account of the cost of abatement and has submitted it to the Council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. No objections were filed or made by the property owner liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

(2) Cost of the abatement, as set forth is Exhibit "A," constitutes a special assessment against that parcel and is a lien on the parcel.

(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Recorder for processing and coordination with the County Assessor, County Tax Collector, and County Auditor. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes. All in the manner provided by Government Code §§39560-39587.

Dated: October 19, 2005

=====

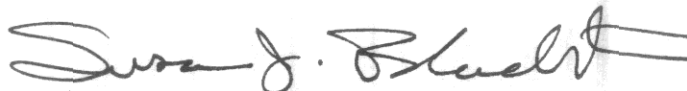
I hereby certify that Resolution No. 2005-225 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 19, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
CITY CLERK

EXHIBIT A

PARCEL ADDRESS	PARCEL NO.	OWNER NAME/ADDRESS	ABATEMENT COST
1527 Magic Lane	031-250-44	Gary Koeplin 14541 N. Curry Avenue Lodi, California	\$300.00
1315 Industrial Way	049-250-67	Melinda Barbara P. O. Box 789 Lodi, California	\$675.00



CITY OF LODI FIRE DEPARTMENT

25 EAST PINE STREET
LODI, CALIFORNIA 95240
ADMINISTRATION (209) 333-6735 FIRE PREVENTION (209) 333-6739
FAX (209) 333-6844



Verne Person
Fire Marshal

Michael E. Pretz
Fire Chief

Kevin Donnelly
Operations Chief

George Juelch
Battalion Chief

Jeff Larson
Battalion Chief

Ron Penix
Battalion Chief

Ron Heberle
Training Officer

September 27, 2005

Susan Blackston
City of Lodi City Clerk
211 W. Pine St.
Lodi, CA. 95240

I hereby submit the third quarter report listing parcels which have been abated of weeds. The City of Lodi abated these parcels under the Lodi Municipal Code, Chapter 15.31. The City contracted the services of a private contractor following a formal bid process and has submitted the cost to the property owner. If cost of services is not paid to the City a lien will be placed on the property to recover the cost to the City. The following parcels have been abated:

Abated – August 29, 2005 (Del Rio Gardening)

031-250-44
1527 Magic Lane
\$300.00 – Cost to Abate

Owner
Gary Koepplin
14541 N. Curry Ave.
Lodi, CA. 95240

Abated – September 6, 2005 (Sun Harvest Inc.)

049-250-67
1315 Industrial Way
\$675.00 – Cost to Abate

Owner
Melinda S Barbara
P.O. Box 789
Lodi, CA. 95241

If you have any questions, please contact me at 209/333-6739.

Sincerely,

Div. Chief Verne Person
Fire Marshal
City of Lodi Fire Dept.

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

October 6, 2005

Mailed Regular and Certified Delivery

Gary Koeplin
14541 N. Curry Avenue
Lodi, CA 95240

FILE

CITY COUNCIL PUBLIC HEARING – OCTOBER 19, 2005

This is to notify you that a public hearing will be held by the Lodi City Council on **Wednesday, October 19, 2005 at 7:00 p.m.** or as soon thereafter as the matter can be heard, at the Carnegie Forum, Council Chamber, 305 West Pine Street, Lodi, California.

This hearing is being held pursuant to Lodi Municipal Code 15.31.120 (see attached) regarding abatement and administrative costs totaling \$300 for removal of weeds on your property located at:

1527 Magic Lane (APN 031-250-44)

Written statements may be filed with the City Clerk, City Hall, 221 W. Pine St., 2nd floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Should you have any questions, please contact the City Clerk's Office at (209) 333-6702.

Sincerely,



Susan J. Blackston
City Clerk

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

October 6, 2005

Mailed Regular and Certified Delivery

Melinda S. Barbara
P.O. Box 789
Lodi, CA 95241

FILE

CITY COUNCIL PUBLIC HEARING – OCTOBER 19, 2005

This is to notify you that a public hearing will be held by the Lodi City Council on **Wednesday, October 19, 2005 at 7:00 p.m.** or as soon thereafter as the matter can be heard, at the Carnegie Forum, Council Chamber, 305 West Pine Street, Lodi, California.

This hearing is being held pursuant to Lodi Municipal Code 15.31.120 (see attached) regarding abatement and administrative costs totaling \$675 for removal of weeds on your property located at:

1315 Industrial Way (APN 049-250-67)

Written statements may be filed with the City Clerk, City Hall, 221 W. Pine St., 2nd floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Should you have any questions, please contact the City Clerk's Office at (209) 333-6702.

Sincerely,



Susan J. Blackston
City Clerk